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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/887,831	06/22/2001	Robert D. Battin	CE08914R	7869

22917 7590 01/09/2006

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EXAMINER

BHATIA, AJAY M

ART UNIT PAPER NUMBER

2145

DATE MAILED: 01/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/887,831	BATTIN ET AL.	
	Examiner	Art Unit	
	Ajay M. Bhatia	2145	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,6,8,10,13,18,21-23,25,26,32,34,35,38,43,44 and 46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,6,8,10,13,18,21-23,25,26,32,34,35,38,43,44 and 46 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Arguments

In response to RCE filed, September 9, 2005. Applicant cancelled claims 4-5, 7, 9, 11-12, 14-17, 19-20, 24, 27-31, 33, 36-37, 39-42, 45 and 47-60. Currently claims 1-3, 6, 8, 10, 13, 18, 21-23, 25-26, 32, 34-35, 38, 43-44 and 46 are pending. Applicant has amended claims 1, 8, 13, 21, 25, and 32.

Applicant's arguments filed September 9, 2005 have been fully considered but they are not persuasive.

Applicant argues that Glesson does not discuss removing information in the socket abstraction layer, but the compression techniques, that remove the same information. Examiner does not see any difference since the claim requires the removal of the information from the socket, Glesson uses different terminology but teaches the same limitation of removing the information from the socket.

Second applicant argues that claimed invention breaks up the end to end communication into two separate connection, but applicant has failed to claim these features in any of the claims. In claim 1, applicant mention a first communication device in preamble and a second communication device in the body of the claim, therefore since the first device is not referred to examiner must interpret as the first device as being the same as the second device. And the other independent claims 21, and 25 make no mention of a second device in the end to end communication.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., claimed invention break up the end-to-end communication discussed into two separate connections) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Applicants arguments addressing Kalliokulju are based upon the addressed above end-to-end connect, therefore are not persuasive.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 6, 10, 13, 18, 21-23,25-26, 34-35, 38, 43 and 46 are rejected under 35 U.S.C. 102(b) as being anticipated by Gleeson et al. (U.S. Patent 5,627,829 referred to as Gleeson).

For claim 1, Gleeson teaches, a method for transmitting data by a first communication device, the method

comprising steps of:

receiving, from a second communication device, a message in the socket abstraction layer that comprises socket information and that requests an establishment of a connection based on the socket information, and wherein the socket information comprises destination information without identifying the second communication device; (see Gleeson, Col. 15 line 62 to Col. 16 line 23)

translating the message requesting an establishment of a virtual connection to a connection request wherein the connection request identifies the second communication device; (see Gleeson, Col. 15 line 62 to Col. 16 line 23)

routing the connection request to the destination identified by the socket information, wherein a virtual connection is established between the second communication device and the destination, based on the connection request; (see Gleeson, Col. 17 line 27-47 and Figure 15)

receiving, from the second communication device, a data packet that comprises a payload and does not include at least a portion of the socket information identifying the destination;

generating a header in the socket abstraction layer that comprises missing socket information identifying the second communication device;

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adding the header to the payload to produce a modified data packet; and
routing the modified data packet to the identified destination.

(see Gleeson, Col. 15 line 62 to Col. 16 line 23, Col. 16 lines 46-61 and Col. 17 line 65 to Col. 17 line 10, Col. 13 lines 37-49, Col. 13 lines 7-24, destination network address is information that identifies the destination in the socket)

For claim 2, Gleeson teaches, the method of claim 1, wherein the socket information comprises a destination address and a destination port. (see Gleeson, Col. 15 line 62 to Col. 16 line 23)

For claim 3, Gleeson teaches, the method of claim 2, wherein the socket information further comprises a protocol designation. (see Gleeson, Col. 15 line 62 to Col. 16 line 23)

For claim 6, Gleeson teaches, the method of claim 1, wherein the step of adding a header that comprises missing socket information comprises a step of adding a header that corresponds to at least a portion of a TCP/IP (Transmission Control Protocol/Internet Protocol) suite. (see Gleeson, Col. 13 lines 37-49, Col. 13 lines 7-24 and Col. 12 26-35)

For claim 10, Gleeson teaches, the method of claim 1, wherein the step of establishing a virtual connection comprises steps of:

receiving an acknowledgement of the connection request routed to the identified destination;

receiving a connection request from the identified destination; and

acknowledging the connection request received from the identified destination.

(see Gleeson, Col. 15 line 62 to Col. 16 line 23, Col. 16 lines 46-61 and Col. 17 line 65 to Col. 17 line 10)

For claim 13, Gleeson teaches, the method of claim 1, wherein the method further comprises steps of:

receiving a data packet intended for the second communication device, which data packet comprises a payload intended for the second communication device and further comprises a header having socket information which identifies the virtual connection;

reducing a size of the header to produce a reduced-size data packet that comprises the payload; and

routing the reduced-size data packet to the second communication device.

(see Gleeson, Col. 6 lines 12-29)

For claim 18, Gleeson teaches, the method of claim 1, wherein the message requesting an establishment of a virtual connection comprises an interprocess communication (IPC) message, and wherein the step of translating the message requesting an establishment of a virtual connection to a connection request comprises a step of translating the IPC message to a TCP/IP (Transmission Control Protocol/Internet Protocol) synchronize (SYN) datagram. (see Gleeson, Col. 6 lines 12-29 and Col. 9 lines 1-22)

For claim 21, Gleeson teaches, a method for transmitting data comprising steps of:

generating, by a first communication device, a message in the socket abstraction layer requesting an establishment of a connection with a destination identified by socket information, wherein the socket information comprises destination information without identifying the first communication device; (see Gleeson, Col. 15 line 62 to Col. 16 line 23)

routing, by the first communication device to a second communication device, the message; (see Gleeson, Col. 16 line 24-40)

receiving, by the second communication device, the message; (see Gleeson, Col. 15 line 62 to Col. 16 line 23, Col. 16 lines 46-61 and Col. 17 line 65 to Col. 17 line 10)

translating, by the second communication device, the message requesting an establishment of a virtual connection to a connection request wherein the connection request includes socket information identifying the first communication device; (see Gleeson, Col. 15 line 62 to Col. 16 line 23)

routing, by the second communication device, the connection request to the destination identified by the socket information, wherein a virtual connection is established based on the connection request; (see Gleeson, Col. 17 lines 27-47 and Figure 15)

generating, by the first communication device, a first reduced-size header data packet that comprises a first payload and does not include at least a portion of the socket information identifying the destination; (see Gleeson, Col. 15 line 62 to Col. 16 line 23, Col. 17 lines 27-47 and Figure 15, Col. 13 lines 15-23, destination network address is information that identifies the destination in the socket)

routing, by the first communication device to the second communication device, the first reduced-size header data packet; (see Gleeson, Col. 6 lines 12-28, Col. 15 line 62 to Col. 16 line 23, Col. 17 lines 27-47 and Figure 15)

receiving, by the second communication device, the first reduced-size header data packet; (see Gleeson, Col. 6 lines 12-28, Col. 15 line 62 to Col. 16 line 23, Col. 17 lines 27-47 and Figure 15)

generating, by the second communication device, a header that includes the missing socket information identifying the first communication device; (see Gleeson, Col. 6 lines 12-28, Col. 15 line 62 to Col. 16 line 23, Col. 17 lines 27-47 and Figure 15)

adding, by the second communication device, the header that includes the missing socket information to the payload to produce a modified data packet; and (see Gleeson, Col. 17 line 27-47 and Figure 15)

routing, by the second communication device, the modified data packet to the identified destination. (see Gleeson, Col. 17 line 27-47 and Figure 15)

For claim 22, Gleeson teaches, the method of claim 21, wherein the method further comprises steps of:

receiving, by the second communication device, a data packet intended for the first communication device, which data packet comprises a second payload intended for the first communication device and further comprises a header having socket information and;

reducing, by the second communication device, a size of the header to produce a second reduced-size data packet that comprises the second payload; and

routing, by the second communication device, the second reduced-size data packet to the first communication device.

(see Gleeson, Col. 6 lines 12-29)

For claim 23, Gleeson teaches, the method of claim 22, wherein the step of reducing a size of the header comprises a step of terminating, by the second communication device, at least a portion of the socket information included in the data packet to produce a second reduced-size data packet that comprises the second payload. (see Gleeson, Col. 22 lines 57-67 and inherent in features of X.25)

Claims 25-26, 34, 35, 38 43 are list all the same elements of claims 1, 2, 3, 6, 10, 13, 18, 21, 22, and 23 but in machine form rather than method form. Therefore, the supporting rationale of the rejection to claims 1, 2, 3, 6, 10, 13, 18, 21, 22, and 23 applies equally as well as to claims 25-26, 34, 35, 38 43.

Claim Rejections - 35 USC § 103

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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8, 32, and 44, are rejected under 35 U.S.C. 103(a) as being unpatentable over Gleeson in view of Kalliokulju (Patent Application Publication 2002/0091860 referred to as Kalliokulju).

See additional citations for dependent claims in rejections above.

For claim 8, Gleeson teaches, the method of claim 1, wherein the header is based on one of among a packet data, a radio link protocol (RLP) context and configuration information (see Gleeson, Col. 13 lines 37-49, Col. 13 lines 7-24 and Col. 12 lines 26-36)

Gleeson fails to teach, convergence protocol (PDCP) context.

Kalliokulju teaches, convergence protocol (PDCP) context. (see Kalliokulju, paragraph 55)

It would be obvious of one of ordinary skill in the art at the time of the invention to combine the system of Gleeson with the method of Kalliokulju because Kalliokulju

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provides for the specific need required to create a real-time data transfer system improving upon the system of Gleeson, in that it allows for video and other real time applications more readily. (see Kalliokulju, paragraph 04)

Claims 32, 44, are list all the same elements of claims 8, but in machine form rather than method form. Therefore, the supporting rationale of the rejection to claims 8 applies equally as well as to claims 32, 44.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See attached UPSTO 892.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ajay M. Bhatia whose telephone number is (571)-272-3906. The examiner can normally be reached on M-F 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Cardone can be reached on (571)272-3933. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jason Cardone
Supervisor Patent Examiner
Art Unit 2145

AB